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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,905	10/23/2003	Melissa W. Dunn	003797.00673	6540
28319	7590	02/02/2006	EXAMINER	
BANNER & WITCOFF LTD., ATTORNEYS FOR MICROSOFT 1001 G STREET, N.W. Suite 1100 WASHINGTON, DC 20001-4597			AL HASHEMI, SANA A	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,905

Applicant(s)

DUNN ET AL.

Examiner

Sana Al-Hashemi

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/26/06 reply to a restriction requirement.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 10-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Original Application filed 23 October 2003. Claims 1-22 are currently pending in this application. Claims 1, 10, 19, and 22 are independent claims.
2. Claims 1-9 are pending.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9 drawn to a method of synchronizing data stored in remote stores, including connecting a first remote store to a computer device, synchronizing data stored within the first store with data contained within a first publisher record stored within the computer device, synchronizing the data contained within first the publisher record with data contained within a composite record stored on the computer device, and synchronizing the contained data within the composite record with contained data within a second publisher record stored within the computer device, classified in class 707, subclass 204.
- II. Claims 10-22, drawn to a computer readable medium and method of maintaining related data stored in a plurality of stores, including maintaining at least one publisher record that identifies data stored in a remote store, maintaining a composite record that identifies a composite of data stored in the plurality of

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stores, displaying in a first format in a graphical user interface data identified in the publisher record, displaying in a second format in the graphical user interface data included in the composite record and not included in the publisher record, where the first format is different from the second format, classified in class 715, subclass 530.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention (II) has separate utility such as displaying in a first format and a second format in a graphical user interface data identified in the publisher record. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group (I) is not required for Group (II), restriction for examination purposes as indicated is proper.

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A telephone call was made to attorney Charles Miller, of Banner & Witcoff, Ltd., on Thursday, January 26, 2006 to request an oral election of a single invention for examination as set forth in the above restriction requirement. Mr. Miller has communicated, in a voicemail response to the above mentioned call, to elect claims 1-9 without traverse.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 3 been renumbered 4.

Claim 1 is objected to since there are two (a) limitation. Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter “digital certificate data” which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It’s unclear to what is the digital certificate data as claimed, since the specification does not provide sufficient support to the claimed limitation, Examiner interpreted to be a certified webpage or any data that need certificate.

Claim 6, is rejected under 112, 4th paragraph as failing to comply with the further limiting requirement, Claims in dependent form should further limits the subject matter claimed. A claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Janik (US Patent Application No. 2004/0253945)

Regarding Claim 1, Janik discloses a method of synchronizing data stored in remote stores, the method comprising:

- (a) connecting a first remote store to a computer device (Paragraph 0112, Janik);
- (b) synchronizing data stored within the first remote store with data contained within a first publisher record stored within the computer device (Paragraph 0115, Janik);
- (c) synchronizing the data contained within first publisher record with data contained within a composite record stored on the computer device (Paragraph 0116, Janik);
- (d) synchronizing the contained within composite record with contained within a second publisher record stored within the computer device (Paragraph 0119, Janik).

Regarding Claim 2, Janik discloses a method further including:

- (e) synchronizing the contained within second publisher record with data stored within a second remote store (Paragraph 0119, Janik).

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Regarding Claim 3, Janik discloses a method further including:

(e) receiving a command from a user to edit the data contained within the composite record (Paragraph 0084, lines 8-13, Janik); and

(f) comparing the edit command to at least one constraint in a synchronization mapping record corresponding to the first remote store (Paragraph 0084, lines 13-18, Janik);

(g) editing the first publisher record when the edit command does not violate the at least one constraint (Paragraph 0087, Janik).

Regarding Claim 3, Janik discloses a method wherein the composite record is part of a computer operating system (Paragraph 0084, lines 1-7, Janik).

Regarding Claim 5, Janik discloses a method wherein the data contained within the first publisher record comprises contact data (Paragraph 0114, Janik).

Regarding Claim 6, Janik discloses a method wherein the data contained within the first publisher record comprises contact data (Paragraph 0114, Janik).

Regarding Claim 7, Janik discloses a method wherein the data contained within the first publisher record comprises calendar data (Paragraph 0183, Janik).

Regarding Claim 8, Janik discloses a method wherein the data contained within the first publisher record comprises playlist data (Paragraph 0121, Janik).

Regarding Claim 9, Janik discloses a method wherein the data contained within the first publisher record comprises digital certificate data (Paragraph 0144, Janik, wherein the webpage: MSNBC is a digital certificate data).

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sana Al-Hashemi
Patent Examiner
Technology Center 2100
January 30, 2006